REMARKS

I. Formal Matters.

Claims 1-13 are all the claims pending in the application. Applicant thanks the Examiner for acknowledging Applicant's claim to priority under 35 U.S.C. §119 and for confirming receipt of a certified copy of Applicant's priority document.

II. Claims.

The Examiner rejects claims 1 and 8 as allegedly being indefinite under 35 U.S.C. §112, 2nd paragraph, for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The Examiner asserts that Applicant does not make clear what quantities are involved in the ratios mentioned in claims 1 and 8. The Examiner has interpreted these ratios as the amount of time spent scanning frequencies for one type of communication divided by the total scan period (the sum of a one and two type scanning) (OA page 2).

Claims 1 and 8 are herein amended to more particularly require a first ratio, wherein the time spent searching for a first type of communication is divided by a total scan period. Claims 1 and 8 are further amended to more particularly require a second ratio, wherein the time spent scanning for a second type of communication is divided by the total scan period. In view of these claim amendments, withdrawal of the rejection to claims 1 and 8 as being indefinite under 35 U.S.C. §112, 2nd paragraph, for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention, is asserted as being proper and is respectfully requested.

The Examiner rejects claims 1-13 as allegedly being unpatentable over *Ando* (U.S. Patent No. 6,275,552) in view of *Wiatrowski, et al.* (U.S. Patent No. 5,806,002) under 35 U.S.C. §103(a). Applicant respectfully traverses this rejection in view of the following remarks.

Claims 1 and 8. The Examiner acknowledges that *Ando* does not teach searching means by which the vehicle's on board equipment searches frequencies for one use for a larger fraction of a search cycle than for a second use. Therein, the Examiner relies on *Wiatrowski* to disclose this element. (OA page 3).

Wiatrowski teaches scanning frequencies for a first type communication and a second type communication, priority and non-priority. In the following we demonstrate that the whether priority or non-priority is taken as a first ratio, *Wiatrowski* fails to teach that the first ratio (R1) of the scan cycle that is spent scanning for a first communication *is kept larger than* the second ratio (R2) of the scan cycle that is spent scanning for a second communication; (R1>R2).

In Fig. 2A the percentage (ratio) of the scan cycle spent on the first (priority) type of communication is equal to the percentage (ratio) of the scan cycle spent on the second (non-priority) type of communication, (R1=R2). Subsequently, upon detected activity, the percentage (ratio) of the scan cycle spent scanning for the first type of communication is greatly reduced (R1<<R2). The ratio, percentage of the total scan cycle, for a first type of communication (priority) is not kept larger than the ratio, percentage of total scan cycle, for a second type of communication (non-priority). Fig 2A reapportions scan time from equal proportions to unequal proportions upon detection of activity (R1=R2 to R1<<R2).

In Fig. 2B, *Wiatrowski*, begins with unequal ratios, proportions, with a larger portion of the scan cycle being dedicated to a first type of communication (priority) (R1>R2). Subsequently, upon detection of activity, *Wiatrowski* teaches increasing the percentage of a scan cycle spent for non-priority (second type) communication and minimizing the ratio of the scan cycle spent scanning for a first type of communication (R1<<R2). *Waitrowski* reapportions the scan cycle from R1>R2 to R1<<R2. Even if priority searching is read as a second type of communication (R1=non-priority), Fig 2B shows searching with a higher percentage of priority time ($R1_{non}$ <R2) and subsequently reapportioning to ($R1_{non}$>>R2)

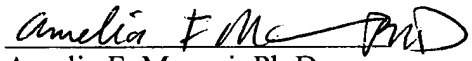
In contrast, claims 1 and 8 require, " . . . *keeping a* first ratio [R1] that radio frequencies for a first type of communication are searched for *larger than a* second ratio [R2]. . ." (R1 > R2). *Wiatrowski* teaches a method for using scanning resources to accommodate reception of a low priority signal at a first frequency, while minimizing, or muting the scan time of a high priority signal at a frequency near the first frequency (abstract; col. 2, lines 36-49; col. 5, line 44 - col. 6, line 5). *Wiatrowski* fails to teach or suggest a searching means which performs the search by *keeping a* first ratio [R1] that radio frequencies for a first type of communication are searched for *larger than a* second ratio [R2] that radio frequencies for a second type of communication are searched for. *Ando* and *Wiatrowski*, alone or in combination, fail to teach or suggest performing searching by keeping a first ratio larger than a second ratio. At least for this deficiency, the rejection of claim 1 as being unpatentable over *Ando* in view of *Wiatrowski* under 35 U.S.C. §103(a), should be withdrawn.

Claims 2-7 and 9-13 are asserted as being in condition for allowance at least by virtue of their dependency upon an allowable claim.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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